

REMARKS

Claims 1 - 3 and 5 - 10 are pending in the Application. Claims 1-3, 5-8, and 10 are rejected. Claim 9 is allowed. The amendments to claims 1 and 2 are supported by the Specification, page 4, lines 1-26 and original claim 2. Reconsideration and withdrawal of the rejection of record is requested in view of the following comments:

Rejection under 35 USC §103(a)

Claims 1-3, 5-8, and 10 are rejected under 35 USC §103(a) in that "objective evidence of non-obviousness must be commensurate in scope with the claims which the evidence is offered to support." In the instant case, Applicants have only provided experimental data for one compound, IPBC.

It is Applicants' position that experimental data are only needed for one compound to support the non-obviousness of the newly amended claims for the following reasons:

First, the newly amended claims now encompass only a limited subgroup of haloalkynyl compounds, that is, halopropargyl compounds.

Second, it is known in the art that metal ions are known to chemically degrade haloalkynyl microbicides (see the Specification page 1, lines 23-24 and Gaglani, et al., U. S. Patent No. 5,916,930, col. 2, lines 25-29), especially halopropargyl compounds (see Gaglani, et al., U. S. Patent No. 5,916,930, col. 2, lines 33-35 and col. 3, lines 50-52). One of ordinary skill in the art would conclude that a process which could be shown to reduce or prevent the degradation of one halopropargyl compound by metal ions would also be applicable to reduce or prevent the degradation of other halopropargyl compounds. Applicants have demonstrated that their claimed process produces their claimed compositions in which the halopropargyl compound is IPBC. Based on this discovery, and the known degradation of halopropargyl compounds by metal ions, Applicants concluded that their process would be equally applicable to other halopropargyl compounds. Applicants believe that by limiting the scope of the broad class of haloalkynyl compounds to the now limited class of halopropargyl compounds the unexpected results obtained IPBC adequately support the claims.

With this response, Applicants believe that the rejection has been overcome and the claims are in condition for allowance. Should the Examiner have any suggestions which may put the Application in better condition for allowance, Applicants' attorney is willing to discuss any such suggestions either by phone or at the U. S. Patent and Trademark Office.

Respectfully submitted,

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Date: December 12, 2005